

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Marcel D. McDaniel,

Case No. 5:15 CV 1061

Petitioner,

ORDER ADOPTING
REPORT AND RECOMMENDATION

-vs-

JUDGE JACK ZOUHARY

Kimberly Clipper,

Respondent.

This Court has reviewed the Magistrate Judge's Report and Recommendation ("R&R") (Doc. 13). The R&R recommends the Petition of Marcel McDaniel for a Writ of Habeas Corpus (Doc. 1) be dismissed.

Under 28 U.S.C. § 636(b)(1), a party must serve written objections to an R&R within fourteen (14) days of being served with the R&R. If a party timely objects, this Court reviews *de novo* the portions of the R&R to which objections were made. If a party does not timely object, the party waives *de novo* review by the district court. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005).

McDaniel's deadline for filing objections has passed, and this Court has received no requests for extension. The R&R accurately states the facts and law. This Court adopts the R&R in full. The Petition for Writ of Habeas Corpus is dismissed with prejudice.

Further, this Court certifies an appeal from this decision could not be taken in good faith and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c).

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

September 16, 2016